

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
TUESDAY, APRIL 4, 2000
9 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins
Linda Steinman
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MARCH 30, 2000

MOTION: Steinman moved and Heier seconded approval of the Staff Meeting minutes dated March 30, 2000. Heier, Steinman, Hudkins, Campbell and Workman voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 RURAL LAND USE ISSUES - Kathleen Sellman, Planning Director; Kent Morgan, Assistant Planning Director; Mike DeKalb, Planning Department

Campbell said this meeting is part of an on-going series of work sessions on rural land use issues.

Kathleen Sellman, Planning Director, said the Planning Department is currently involved with three City/County issues - transportation, the Lincoln City-Lancaster County Comprehensive Plan and Stevens Creek.

Sellman said many of the rural land issues currently faced by Lancaster County are the same as those she encountered in her previous position as the Director of the Planning and Development Department for Mesa County, Colorado.

Sellman said zoning took place in Mesa County in the mid 1980's. Flexible zoning was permitted, with an average minimum lot size of 5-35 acres. She said this evolved into the perception that everyone is entitled to have 5 acre lots, regardless of whether infrastructure is in place. Sellman said there is also a process, exempt from subdivision regulations, that permits creation of parcels that are a minimum of 35 acres in size without review by the County, although plats are subject to the review process. This resulted in an inefficient pattern of development.

In response to a question from Workman, Sellman said building permits are required in Mesa County, although remote areas make oversight difficult. She said this has been overlooked because there is a reluctance in Mesa County to increase zoning enforcement.

Workman remarked that Mesa County's 35 acre lot size seems similar to Lancaster County's "20 acre rule", which sets the minimum lot size at 20 acres in the Agriculture (AG) District.

Mike DeKalb, Planning Department, said parcels in excess of 10 acres are exempt by the Nebraska Revised Statutes from subdivision requirements. He added that the County Attorney has stated that building requirements and zoning can not be enforced on parcels over 20 acres.

Hudkins asked Sellman whether she has discussed the concept of clustering with other planning directors.

Sellman said yes, it is viewed as a good idea but typically meets with resistance from surrounding property owners. She said the character of the area is important to property owners and the intrusion of development on existing agricultural operations can be significant. Sellman said those moving into developments acknowledge existing operations, even those pervasive in their impacts, but may come to dismiss the "right to farm" after living with the effects.

Steinman said the same thing is seen in areas where hunting is allowed on public lands.

Eagan noted that the County Board has tried to address this problem by passing special permit legislation, with unusual setback requirements, for lakeside development around state recreation areas.

Workman asked whether the County would have better control of 20 acre parcels if clustered development was allowed.

DeKalb said there are a lot of other techniques that could be applied, noting Seward and Saunders Counties use a variation that maintains the density, but allows for three acres to be split-off a 20 acre parcel, leaving 17 acres open. He said that the 20 acre parcels act as an urban reserve and preserves the City's ability to grow into areas.

Sellman said Mesa County allows farmers to split 2 acres off of 10 acre parcels through an administrative procedure. She said this changed the character of the land and prompted farmers to join together to form subdivisions.

In response to a question from Campbell, DeKalb said a cluster requires a special permit and a community unit plan. He noted there have also been instances in which landowners, through a private agreement, have grouped houses in the corners of adjoining 20 acre parcels, leaving large open areas.

Sellman said Mesa County also allowed parcels as small as 3 acres to be split off of 20 acres, leaving the remainder open for agriculture.

Campbell asked whether the individual holding the larger parcel was allowed to split-off additional parcels.

Sellman said no, although the issue of whether to require conservation easements on the larger parcels is still being debated.

In response to a question from Workman, DeKalb said conditions in the special permit and plat have prevented this from occurring in community unit plans.

Hudkins asked whether the acreage grid placement system, which provides a master plan for future infrastructure, should only be utilized within the three mile zoning jurisdiction.

Campbell noted that the grid system dictates house placement to allow for subdivision when annexation occurs.

DeKalb said individuals buying these properties may seek an administrative amendment to change the house placement, causing the concept to fall apart. This occurred in Sunrise Estates, which is located north of Southeast Community College. He said property owners may also seek vacation of roads that have been dedicated in subdivisions.

Dedication of right-of-way for future needs was briefly discussed, with Sellman stating that a change in legislation may be necessary.

DeKalb explained that if the County wants a road to be wider than the 60' local road it must be shown in the One and Six Year Road and Bridge Improvement Program and the Comprehensive Plan.

Sellman said road frontage requirements are an important element in creating organized development.

DeKalb noted that frontage and setbacks are not enforced on 20 acre plus parcels.

Steinman asked whether it is feasible for the County Board to identify those areas where roads should occur and where lower density is desired.

Sellman said she would strongly support doing so, adding the review of the Comprehensive Plan provides the opportunity for the public to provide their input.

Campbell said the Geographic Information System (GIS) has helped with that identification.

4 CITY-COUNTY ROAD ISSUES - Allan Abbott, City Public Works/Utilities Director; Don Thomas, County Engineer

Allan Abbott, City Public Works/Utilities Director, said his major concern is the planning process that is in place for streets and roads prior to development occurring. He said a developer may contend that the blacktop rural cross-section road is adequate and that an urban cross-section is not needed for 5-10 years, thereby delaying their road construction costs. Once the development is completed and traffic is increased, the City must close the road to make improvements. He said Pine Lake Road and 84th Street are prime examples of this situation. Abbott said it is crucial in the future to at least get roads at the proper grade and to obtain sufficient right-of-way for City improvements, even if it means spending more money up-front.

Heier asked why improvements have been delayed on 84th Street.

Abbott said it is primarily a question of prioritization and how to finance projects.

Don Thomas, County Engineer, explained that these situations have occurred because of a lack of communication between the City Council, County Board, Planning Department, City Public Works/Utilities, County Engineering and the developers, noting Yankee Hill Road between 14th to 27th Streets as an example.

Thomas said he has always believed that if asphalt paving lasts ten years, it has been a wise investment of County funds. He said in the case of Pine Lake Road, an alignment was agreed on by all parties and the road was paved. Eighteen months later the location of Southpointe Pavilions was changed and the roadway had to be rebuilt.

Campbell noted that the developer paid for the cost of tearing Pine Lake Road out between 14th and 27th Streets and reconstruction of the road. She said she believes 27th & Pine Lake Road should have been widened to four lanes once construction of Southpointe Pavilions was initiated.

Abbott said the City and County needs to look farther ahead than 5-10 years in planning for roads, as Lincoln is currently expanding in three directions and it is difficult for infrastructure to keep up.

Abbott said he is concerned about traffic from Pine Lake Road to Saltillo Road and indicated there will be increased pressure on 14th Street unless access to Highway 77 across Wilderness Park is provided.

Hudkins recommended that efforts take place to widen 14th Street before the new high school is built.

Steinman asked whether it would be less expensive to grade major roads in the three mile jurisdiction to City standards, suggesting joint funding by the City and County.

Abbott said it may cost more up front, but future improvements would be less expensive.

Thomas said it may be difficult to grade to the necessary width in the rural section. He added that most of the roads have already been graded, with 100' right-of-way.

Hudkins asked whether 100' right-of-way is sufficient in planning for the future.

Abbott said it depends on the desired look of major arterial streets. He said 140' of setback has been suggested, but all of this does not have to be in the public domain. Abbott said he anticipates that traffic noise will also become an issue.

Thomas said his department is currently forwarding all plans for close-in roads to the City for review of center line grade. He said if the City and County can agree on a center line grade, then developers can be required to meet it.

Campbell questioned why funds are expended for curb and gutters in subdivisions.

Abbott said the prime reason is drainage.

Campbell asked whether a bond issue is needed for roads.

Abbott said bonding is only advisable when interest rates are low. He added that it can be used to get a needed project done.

Campbell asked Abbott whether he envisions having to widen streets like 27th and 40th.

Abbott said not in the foreseeable future, but "ring roads" may need to be widened.

Campbell asked whether there are plans to close a portion of Old Cheney Road, from Highway 2 to the West Bypass.

Abbott said if the South Beltway is built, some roads will be closed.

Heier inquired about a two mile stretch of roadway on 98th Street between A Street and Holdrege.

Thomas said a new street is proposed from the 91st Street and Highway 2 intersection that will proceed diagonally, connecting with 98th Street near Pine Lake Road. This will provide a free flow of traffic on Yankee Hill Road to 98th Street.

General discussion was also conducted with regards to the beltway, with Campbell noting that she and Commissioner Heier have declared a conflict of interest in the selection.

5 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk